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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,686	02/22/2002	Faruk Mehmet Omer Eryurtlu	Eryurtlu -3	3747

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Lucent Technologies Inc
Docket Administrator Room 3J 219
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

TORRES, JOSEPH D

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,686

Applicant(s)

ERYURTLU, FARUK MEHMET
OMER

Examiner

Joseph D. Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 7-9 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 7-9 are directed to a mobile receiver reciting components with functions beyond the scope of claims 1-6, for example: "a decoder which acts to reconstitute received compressed video signals using signals stored in a buffer representing a previous picture frame, the video signals having been compressed using inter-frame prediction; the receiver further comprising a mode decision circuit configured to compare a signal at the output of the decoder with a previous signal stored in the buffer and using the same decision criterion as used for the compression to generate a further signal which indicates that either the signal at the output of the decoder is suitable for inter-frame prediction or not" [Emphasis Added].

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-9 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract exceeds 150 words and all numerical references to the drawings need to be removed. Correction is required. See MPEP § 608.01(b).

Response to Arguments

3. Applicant's arguments filed 11/01/2004 have been fully considered but they are not persuasive.

The Applicant contends, "For example, dispersion value comparator 232 in Figure 12 appears to compare outputs from four different dispersion value calculators 216, 226, 228, 230 so as to choose between various types of compression during coding, see column 10 line 52 to column 11 line 2. This is in contrast to the present invention which concerns decompression and decoding at a receiver, involving comparison of current and previous frames to determine whether interframe-prediction format was applied or not".

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The Examiner disagrees and asserts that col. 10, lines 45-51 in Urano teach that the MBT output from Dispersion Value Comparator 232 in Figure 12 “represents the type of macroblock minimizing dispersion value, according to any one of four encodings: current macroblock intra mode coding, forward prediction coding, backward prediction coding or bidirectional coding. Forward, Backward and bidirectional modes of coding are considered to be inter mode coding” (Note: col. lines in Urano teach inter-mode decoding includes: Inter-frame predictive encoding using the forward motion vector $MV(F)$, Inter-frame predictive encoding using the backward motion vector $MV(B)$ and Inter-frame predictive encoding using the bidirectional motion vector $MV(F+B)$). Hence; Urano teaches determining the MBT output from Dispersion Value Comparator 232 in Figure 12 which is an indication of whether interframe-prediction format was applied or not (Note: intra mode coding is not an interframe-prediction format).

The Applicant contends, “Furthermore, for example, the passage cited in column 14, lines 57 to 60 does not teach comparison of that result with a signal direct from the decoder indicating whether or not inter-frame prediction was applied in compression before transmission”.

The Examiner disagrees and asserts that Macro-block Converter 112 and Dispersion Value Calculator 216 in Figure 12 of Urano comprise a decoder that outputs an SMB to first comparators 218, 222 and 230 and calculates an output dispersion result or activity of the current macroblock SMB to second comparator, Dispersion Value Comparator 232 (Note: col. 10, lines 45-51 in Urano teach that dispersion values “represents the

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type of macroblock minimizing dispersion value, according to any one of four encodings: current macroblock intra mode coding, forward prediction coding, backward prediction coding or bidirectional coding. Forward, Backward and bidirectional modes of coding are considered to be inter mode coding"). Hence; Urano teaches comparison of output dispersion results from first comparators 218, 222 and 230 with an output dispersion result from the decoder comprising Macro-block Converter 112 and Dispersion Value Calculator 216 indicating whether or not inter-frame prediction was applied in compression before transmission.

All amendments and arguments by the applicant have been considered. It is the Examiner's conclusion that claims 1-3 and 5 are not patentably distinct or non-obvious over the prior art of record in view of the reference, Urano; Takashi et al. (US 5767898 A, hereafter referred to as Urano) as applied in the last office action, filed 07/28/2004. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Urano; Takashi et al. (US 5767898 A, hereafter referred to as Urano).

35 U.S.C. 102(b) rejection of claims 1-3 and 5.

See the Non-Final Action filed 07/28/2004 for detailed action of prior rejections.

Allowable Subject Matter

5. Claim 6 is allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph D. Torres, PhD
Primary Examiner
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